

The year 2014 was characterized by extensive political turmoil in Zimbabwe under the leadership of President Robert Mugabe and the Zimbabwe African National Union-Patriotic Front (ZANU-PF) party. Though ZANU-PF has enjoyed a two-thirds majority since elections in 2013, it has been troubled by intraparty divisions that have hindered its ability to govern. In December, Mugabe fired Vice President Joice Mujuru, long viewed as his successor, after she was accused of plotting against him. Nine ministers and six deputies loyal to Mujuru also lost their posts, and Mujuru was expelled from ZANU-PF. Mugabe promoted her main rival, Emmerson Mnangagwa, to continue as vice president and serve as acting president while Mugabe traveled at the end of 2014.

Zimbabwe's constitution, adopted in 2013, includes strong guarantees of civil and political rights and strengthens checks on executive power, but implementation of reforms in 2014 has been slow. In November 2014, the constitution was amended to further centralize executive influence, granting the president powers to appoint several previously elected top positions in the country's 49-member governing Politburo.

In September 2014, the government began demolishing thousands of residential plots it claimed were illegally constructed, as well as a transit camp settled by 18,000 victims of January 2014 floods.

Political Rights and Civil Liberties:

Political Rights: 12 / 40 [Key]

A. Electoral Process: 3 / 12

Zimbabwe has a bicameral legislature. In the lower chamber, the 270-seat House of Assembly, 210 members are elected by a first-past-the-post system with one member per constituency, and 60 female members are elected by proportional representation. The 80-seat Senate includes 6 members from each of Zimbabwe's 10 provinces who are elected through proportional representation, and 20 appointments, including 18 traditional leaders and 2 members representing the disabled. Members in both houses serve five-year terms.

A new constitution was adopted by popular referendum in 2013. It includes a Declaration of Rights (including a range of basic political and civil rights), limits the president to two five-year terms, removes the presidential power to veto legislation and dismiss parliament, and devolves some powers to provinces. The term-limit restriction is not retroactive, however, and gives Mugabe, who has been the country's leader since independence in 1980, the chance to serve two more terms. It also empowers the president's political party, not parliament, to select a presidential successor in the case of a death in office—a critical provision given that Mugabe turned 90 in 2014. The 2013 constitutional referendum was deemed credible by a range of domestic and outside observers, though the vote was preceded by a widespread crackdown on prodemocracy civil society.

Although far less violent than the 2008 elections, the 2013 presidential and legislative elections were marred by serious irregularities. Mugabe won the presidency with 61 percent of the vote; his opponent, Movement for Democratic Change (MDC) leader Morgan Tsvangirai, won 34 percent. ZANU-PF took 197 of the 270 seats in the National Assembly. According to the Zimbabwe Electoral Coalition (ZEC), more than 300,000 voters were rejected at the polls over registration issues, and the Zimbabwe Election Support

Network (ZESN) claimed that up to one million voters were omitted from the roll or turned away at the polls. ZEC also reported that 200,000 “assisted” votes were cast, leading to accusations that ZANU-PF supporters were casting votes for people not genuinely in need of assistance. Distribution of selective benefits to ruling party supporters and use of government institutions to campaign were also rampant.

The 2012 Electoral Amendment Act reconstituted the ZEC with new commissioners nominated by all political parties, but the ZEC president and much of the staff remained partisan and susceptible to political influence. Two of the new commissioners resigned within a week of the 2013 vote. In August 2014, another Electoral Amendment Act was passed that brings electoral laws into partial compliance with the 2013 constitutional reforms. The amendments expand the powers of observers and election agents, and reduce ambiguities in the process for handling ballots. The amendments also reinstated postal voting, which was historically used to ensure that the armed forces collectively voted in favor of ZANU-PF. Legal loopholes that permit the printing of extra ballots, unfair media coverage, and interference of police officers in voter choice remain unrevised.

By-elections were held in 2014 but did not appear to reflect any updates to voter rolls. ZESN reported a troublingly high police presence at several 2014 by-election polling places.

Electoral processes were subverted in 2014 by conflict within the ruling party that resulted in a number of elected officials being dismissed from their positions, including former vice president Joice Mujuru and several elected members of parliament, ministers, and deputies. Many were accused of crimes including plots to assassinate the president and intimidation of party members. By the end of 2014, the president’s unpopular wife, Grace Mugabe, was rapidly promoted from first lady to head of the ZANU-PF women’s league and Politburo member.

B. Political Pluralism and Participation: 6 / 16

ZANU-PF has dominated politics since Zimbabwe’s independence in 1980. The main opposition party, the MDC, split into multiple factions after its defeat in the 2013 elections. Given the MDC’s decline, in 2014 the Mugabe administration exercised fewer strategies to suppress opposition organizing than in previous years. Nevertheless, the ruling party continues to use state institutions to punish opposition supporters and activists. In July, riot police and Central Intelligence Organization (CIO) officers arrested Jacob Ngarivhume, the leader of the newly formed political party Transform Zimbabwe, charging him under the Public Order and Security Act (POSA) for participating in an illegal public gathering. Several other members of Transform Zimbabwe reported harassment in 2014, including 16 detained without charge in April and illegal detentions of other members. In November, ZANU-PF youths attacked attendees and organizers of a Transform Zimbabwe rally in Chitungwiza in the presence of police officers and riot police. Some members of MDC factions were also arrested and assaulted in November. The same month, a Harare court acquitted the leader of the opposition Transform Zimbabwe party, who had been arrested multiple times for violating POSA.

Affiliates of the MDC have also perpetrated violence, though an increasing share of politically motivated violence in 2014 stemmed from internal ZANU-PF leadership struggles. According to monthly reports published by the Zimbabwe Peace Project, more than 2,000 politically motivated human rights violations occurred in 2014, including more than 200 cases of physical assault. Of these violations, the vast majority were perpetrated by agents of ZANU-PF.

The 2013 constitution failed to introduce reforms including greater civilian oversight or professionalization of the highly partisan security forces. Although the powerful Joint Operations Command (JOC) was

supposed to be disbanded before the 2013 elections and replaced with the National Security Council (NSC), the transition never occurred, and the JOC continues to play a central role in government decision making. Under the new constitution, the NSC should be chaired by the president and composed of the vice presidents, ministers, and members of the security services. The CIO remains closely tied to the presidency and free from any substantial enforceable regulation by the legislature or bureaucracy.

C. Functioning of Government: 3 / 12

Corruption has become endemic since 2000, including at the highest levels of government. The collapse in public-service delivery and the politicization of food and agricultural aid have made the problem ubiquitous at the local level as well. The “Salarygate” scandal that broke in early 2014 revealed that some top government officials were being paid more than \$200,000 per month, while the institutions under their direction had huge unpaid bills or deficits. No arrests resulted from the scandal because the salaries and benefits had been legally instituted. The Zimbabwe Anti-Corruption Commission, which was enshrined in the 2013 constitution, has little independent investigative or enforcement capacity. Zimbabwe was ranked 156 out of 175 countries and territories surveyed in Transparency International’s 2014 Corruption Perceptions Index.

Civil Liberties: 16 / 60

D. Freedom of Expression and Belief: 6 / 16

Freedom of the press is restricted. Although the new constitution’s Declaration of Rights protects freedom of the media and of expression, the country’s repressive legal framework—including the Access to Information and Protection of Privacy Act, the Official Secrets Act, POSA, and the Criminal Law (Codification and Reform) Act (CLCRA)—has yet to be reformed. In general, these laws restrict who may work as a journalist by requiring journalists to register with the state. They severely limit what journalists may publish and mandate harsh penalties, including long prison sentences, for violators.

A series of court rulings beginning in 2013 weakened CLCRA provisions that criminalize undermining the authority of the president and publishing falsehoods detrimental to the state. In November 2013 and June 2014 the Constitutional Court ruled that these provisions are harmful and unconstitutional under the old constitution. However, by the end of 2014 it remained ambiguous whether this ruling would apply under the new constitution.

In April 2014, the editor of *NewsDay* was charged with violating the CLCRA after publishing allegations of police responsibility for the death of a child. Other journalists, including editor Edmund Kudzayi of the *Sunday Mail*, were arrested in June and the offices of journalists and editors continue to be illegally searched. Kudzayi and his brother were charged with insurgency and terrorism for their alleged role as administrators of the government watchdog “Baba Jukwa” Facebook page and blog.

The state-controlled Zimbabwe Broadcasting Corporation (ZBC) and New Ziana news agency continue to dominate broadcast media. Access to international news via satellite television is prohibitively expensive for most Zimbabweans. The government keeps close tabs on radio access, particularly around elections. During the constitutional referendum in 2013, radios that had been fixed with the ability to receive all frequencies were banned and confiscated. Since October 2013, the Broadcasting Authority of Zimbabwe (BAZ) has been processing applications for new private radio stations, after issuing two new private radio

licenses to ZANU-PF-affiliated stations in 2012. The government has not offered new licenses for community radio stations, which tend to be independent and often antigovernment, nor has it taken any steps to license private television broadcasters. Internet access and use have expanded rapidly in recent years and access is rarely blocked or filtered, though during 2014 ZANU-PF leaders discussed passing a cybersecurity bill.

While freedom of religion has generally been respected in Zimbabwe, church attendance has become politicized. Some religious groups and individual pastors have faced harassment and arrest. In July 2014, the government announced plans to require registration of churches.

Academic freedom is somewhat limited, though prominent academics rank among the regime's most vociferous critics. Mugabe serves as the chancellor of all eight state-run universities, and the Ministry of Higher Education supervises education policy at universities. The ZANU-PF-affiliated Zimbabwe Teachers' Union has been accused of intimidating teachers in rural areas to mobilize support for the ruling party and enforcing the teaching of political indoctrination. Students continue to face harassment or arrest for protesting government policy.

E. Associational and Organizational Rights: 3 / 12

Freedom of assembly is limited, though protests do occur. POSA requires police permission for public meetings and demonstrations, allows police to impose arbitrary curfews, and forbids criticism of the president. Protests were disrupted or disallowed several times in 2014, and, in some cases, police beat protesters. In August, riot police used violence and indiscriminate arrests to quell protests over living conditions in a camp for displaced persons in southern Zimbabwe. Police assaulted and arrested a small group of protesters that attempted to occupy Africa Union Square in Harare in fall 2014.

Nongovernmental organizations (NGOs) are active and professional, but they are regularly subject to legal restrictions under POSA, the CLCRA, and the Private Voluntary Organisations Act. This legislation is often implemented in a partisan manner and violates the rights laid out in the 2013 constitution. In addition to legal harassment, NGOs, human rights lawyers, and civil society workers face extralegal harassment and arbitrary arrest by security services. For instance, peaceful demonstrators were arrested in Harare in January 2014 and in Masvingo in April; in some cases they were assaulted by police while in custody.

Despite legal challenges, POSA has frequently been invoked to justify detentions and arrests of groups and individuals organizing meetings or demonstrations. Organizers in Masvingo and Victoria Falls were arrested and charged with organizing illegal public meetings in the summer and winter of 2014.

The Labor Act allows the government to veto collective bargaining agreements that it deems harmful to the economy. Strikes are allowed except in "essential" industries. Because the Zimbabwe Congress of Trade Unions (ZCTU) has led resistance to Mugabe's rule, it has become a particular target for repression. It has also seen its membership decline due to closure of companies, and this has affected the ability to organize and mobilize workers. In July 2014, police banned a peaceful march over corruption and late salary payments by workers in the Zimbabwe Railways and Artisans Union, a move that the Constitutional Court subsequently ruled unconstitutional.

F. Rule of Law: 2 / 16

Pressure from the executive branch has substantially eroded judicial independence over the past 15 years, but courts do rule against the government in some cases. The Constitutional Court made several such rulings in 2014, including on defamation as well as in favor of dual citizenship, which the ruling party had long opposed. The High Court convicted and sentenced several ZANU-PF party operatives for their role in the murder of an MDC activist during the 2008 elections. In contrast, the May 2013 ruling that elections had to be held by July 31 was largely considered to be a product of political interference by Mugabe and ZANU-PF, which favored such an earlier election date. The Constitutional Court also ruled the elections were free and fair in the face of evidence to the contrary. The government has repeatedly refused to enforce court orders. Vacancies for scores of magistrate posts have caused a backlog of around 15,000 cases in the three highest courts.

The government has so far failed to fully implement new and update standing legislation as mandated by the 2013 constitution. In some cases, this has left the judiciary to struggle with interpreting contradictions between the new constitution and existing law.

Security forces abuse citizens, often ignoring basic rights regarding detention, searches, and seizures. The government has taken no clear action to halt the incidence of torture and mistreatment of suspects in custody. In September 2014, the Law Society of Zimbabwe expressed concern at the high number of deaths in police custody.

Lengthy pretrial detention remains a problem, and despite some improvements in recent years, prison conditions remain harsh and sometimes life-threatening. By official estimates, 17 percent of detainees have not yet been convicted. Overcrowding, poor sanitation, and food shortages have contributed to HIV, tuberculosis infections, and other illnesses among inmates. In June 2014, the Constitutional Court ruled in a case brought by Women of Zimbabwe Arise (WOZA) that the conditions in the Harare Central detention center violated prisoners' rights.

The Declaration of Rights contained in the 2013 constitution is considered an improvement because it guarantees equal treatment of citizens under the law. The constitution gives those arrested the right to contact relatives, advisers, and visitors; to be informed of their rights; and to be released after 48 hours unless a court orders them to remain detained. However, these rights are often infringed upon in practice.

Discrimination on the basis of a broad range of characteristics is prohibited under the 2013 constitution. In 2014, most minority groups in Zimbabwe did not face violence or legal discrimination on the basis of their minority status. Discrimination on the basis of sexual orientation, however, is not expressly prohibited. Sex between men is a criminal offense and can be punished with a fine and up to one year in prison. Mugabe has been vocal in his opposition to same-sex sexual relations, and LGBT (lesbian, gay, bisexual, and transgender) groups have been subject to regular harassment by security forces.

G. Personal Autonomy and Individual Rights: 5 / 16

High passport fees inhibit legal travel abroad. At the same time, badly underfunded immigration and border authorities lack the capacity to effectively enforce travel restrictions. In a positive development, the new constitution gives citizenship rights back to Zimbabwean nationals born to foreign parents; these nationals had been stripped of automatic citizenship by a 2001 amendment to the Citizenship Act. However, application of the law has not been widespread. Aside from a brief period surrounding the elections, domestic and international travel is less restricted than it has been in the past, when the government would seize passports of domestic opponents or expel or deny entry to foreign critics.

Property rights are not respected. Operation Murambatsvina in 2005 displaced hundreds of thousands of urban residents, many of whom received no compensation and still lack adequate housing. In 2014, in the high-density suburbs of Chitungwiza and Epworth, 14,000 residential plots were identified for demolition. Demolitions left thousands homeless and were carried out without the necessary court orders before being mostly halted by a high court order in October. As many as 18,000 families displaced by the January 2014 Tokwe Mukosi floods, now living in Chingwizi transit camp, faced arrest, assault, and the destruction of tents by the army and police in July and August.

In rural areas, the nationalization of land has left both commercial farmers and smallholders with limited security of tenure. Farmers without title to their land have little collateral to use for bank loans. Seizures of land owned by white commercial farmers increased in 2014, and attackers killed a white farmer and his daughter in May.

The 2007 Indigenization and Economic Empowerment Act stipulates that 51 percent of shares in all companies operating in Zimbabwe must be owned by black Zimbabweans. Despite postelection fears that an unfettered ZANU-PF would use the indigenization laws to expropriate foreign businesses, since the 2013 elections the statements of Finance Minister Patrick Chinamasa and Mugabe have suggested that ZANU-PF will selectively apply the indigenization laws to avoid discouraging foreign investment. As of 2014, many foreign mining companies have complied with the indigenization policy, while the financial sector was understood to be exempt. More generally, many businesses in Zimbabwe are required to deliver material support to political elites in order to maintain permission to operate.

Women enjoy extensive legal protections, and women serve as ministers in the national and local governments. However, societal discrimination and domestic violence persist, and sexual abuse is widespread. Female members of the opposition often face particular brutality at the hands of security forces. The prevalence of customary laws in rural areas undermines women's civil rights and access to education. About one-third of Zimbabwean girls do not attend primary school and two-thirds do not attend secondary school due to poverty, abuse, and discriminatory cultural practices. Child marriage has been increasing, with approximately one-third of girls married before they turn 18 and 5 percent before they turn 15.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

[Full Methodology](#)